

## PROBATE CALENDAR NOTES

**August 21, 2020**

**8:30 AM, Department 40**

**Placer County Superior Court**

**UPDATED August 18, 2020, 3:00 PM**

**All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:**

**Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.**

**Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to possible delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.***

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **August 21, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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### **1. S-PR-0005373 Justin Shiiba Irrev Trust; In re the**

6th trust account and petition to terminate trust and distribute assets is recommended for approval as prayed.

**2. S-PR-0005374 Kevin Shiiba Irrev Trust; In re the**

6th trust account and petition to terminate trust and distribute assets is recommended for approval as prayed.

**3. S-PR-0008949 Vezeris, Beverly- In Re the Estate of**

Clarification is needed: the petition describes two preliminary distributions. No petition for preliminary distribution was filed or granted. Prob.C. §§ 11620-11624. Petitioner should provide details as to the timing of and legal basis for the preliminary distributions.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**4. S-PR-0009038 Moodey, Irene Baird- In Re the Estate of**

Additional information is needed: the petition describes two preliminary distributions. No petition for preliminary distribution was filed or granted. Prob.C. §§ 11620-11624. Further, preliminary distributions are contrary to the will, which provides for the entirety of the estate to be distributed to the trustee of testator's inter vivos trust. The will does not authorize any other distributions. Petitioner should provide any legal basis for the preliminary distributions or propose a reasonable means to rectify or otherwise address the improper distributions.

Proposed final distribution is contrary to the will. The will provides for the entirety of the estate to be distributed to the trustee of testator's inter vivos trust. The will does not authorize any other distribution of assets. Administration of that trust is not before the court in this decedent's estate proceeding.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**5. S-PR-0009290 Ambuehl, Gary Wayne-In Re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**6. S-PR-0009433 Zissis, Iris June-In Re Estate of**

Missing notice of hearing. Missing service of notice of hearing.

Missing allegations concerning: creditor claims, notice to public entitles, personal representative fees / waiver of fees. Missing account / waiver of account.

Missing inventory and appraisal.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**7. S-PR-0010323 Hart, Christopher ; In re the Estate of**

Court determination needed: notice as served and published omits required ¶ 4. Court to determine whether to waive re-noticing / republication in light of the response to calendar notes.

Court determination needed: petitioner seeks admission of holographic will. Court to determine whether "the signature and the material provisions are in the handwriting of the testator" in light of the typewritten portion on the stapled partial page of the will. Prob.C. § 6111(a).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**8. S-PR-0010349 Burau, Gary Dennis - In Re the Estate of**

Missing required allegations at ¶ 5a(3)-(4) (RDP).

Missing relationship(s) of person(s) listed in ¶ 8 to decedent.

**9. S-PR-0010352 E Alene Buttram Trust - In re the**

Appearance is required for hearing on petition to compel trustee account and for other relief.

**10. S-PR-0010353 Romero Liv Trust - In re the**

Missing notice to Victor Romero Jr and Nicholas Romero. Petitioner indicates that the United States Postal Service does not accept mail deliveries to Peru at this time. Clarification is needed as to whether other notice can be provided by alternate means (electronic delivery with acknowledgement of receipt, other shipping services, etc.).

**11. S-PR-0010354 Carol Anne Eaton Rev Trust - In re the**

Petition to modify irrevocable trust is recommended for approval as prayed.

**12. S-PR-0010356 Yabe, Mary Mitsuye - In re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**13. S-PR-0010360 Hitch Fam Trust; In re the**

Missing notice of hearing on petition to determine trust property. Missing service of notice of hearing, Prob.C. § 851.

**14. S-PR-0010361 Michael Lee Wardley Trust (Irrev); In re the**

Missing notice of hearing re trust account. Missing service of notice of hearing. Missing account statements, Prob.C. § 2620(c).

Additional information requested: copy of previous account and order approving previous account is requested.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**15. S-PR-0010362 Campbell, Paul Clifton - In Re Estate of**

Missing service of notice of hearing to Noah Marotti.

Missing required allegations at ¶ 5c(7)-(8) (issue of predeceased child(ren)).

Missing relationship(s) of person(s) listed in ¶ 8 to decedent.

Will is neither attested nor self-proving. Missing proof of will, Prob.C. § 8220 et seq., and / or clear and convincing evidence to admit non-conforming purported will under Prob.C. § 6110(c)(2).

Missing request to waive or fix bond (¶ 2d). Missing waiver of bond by Noah Marotti.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**16. S-PR-0010363 Torjesen, Victor Lawrence - In Re the Estate Of**

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (7)-(8) (issue of predeceased child(ren)).

**17. S-PR-0010364 Kukuruda, Alma M - In Re the Estate Of**

Petition to administer estate is recommended for approval as prayed.

**18. S-PR-0010365 George Hirokane & Sumiko A Hirokane Rev Trust; In re**

Petition to determine trust property is recommended for approval as prayed.

**19. S-PR-0010366 Burgess, William Kenneth - In Re the Estate of**

Missing notice of hearing. Missing service of notice of hearing to Norma Kraatz. Clarification is needed: allegations are needed as to whether predeceased sibling Lenon Burgess left issue who survived decedent. Prob.C. §§ 6402 & 240.

**20. S-PR-0010367 Lee, Robert E. - In re the estate of**

Missing waiver of bond by Larry Lee.

**21. S-PR-0010376 Schindler Fam Trust; In re the**

Petition to modify irrevocable trust is recommended for approval as prayed.

**22. S-PR-0010377 Tyler, Megan Kristina - In Re the Conservatorship of**

***Note: this matter was scheduled by the clerk on the probate calendar in error. All new hearings should be set only on the conservatorship calendar.***

Appearance is required for hearing on petition for appointment of joint limited conservators of the person and estate.

Missing 15 days' service of notice of hearing with copy of the petition to all second-degree relatives of respondent. Missing 30 days' service of notice of hearing with copy of the petition to Alta California Regional Center.

Missing confidential conservator screening form for proposed joint conservator Helen Boltman-Tyler. Missing responses to ¶¶ 14-15 of confidential conservator screening form for proposed joint conservator Gregory Tyler.

Missing bond request or allegations re waiver of bond (¶ 1c / Attachment 1c).

Court determination needed re requests for §§ 2590-2591 powers (Attachment 1d): request for § 2591(a) powers concerns operation of a business; request for § 2591(p) powers concerns dealing in debts / obligations owed by or to respondent. Petitioners do not allege respondent has a business or any debts. Recommendation: deny.

Missing Attachment 1i (see ¶ 1i, marked in the petition).

Missing appointment of counsel for respondent. Appointment is mandatory. Petitioners were required to apply for appointment by ex parte application upon filing the petition, Local Rule 80.3.3.

Missing investigation report.

Missing report by Alta California Regional Center, Prob.C. § 1827.5(a).

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**23. S-PR-0010378 Dreger, Henry Adolph, Jr.; In re the estate of**

Clarification is needed: allegations of ¶ 3a(1) (that decedent died a resident of Placer County) conflict with ¶ 3c (that decedent died a resident of Sacramento County). It appears decedent died a resident of Sacramento County and this matter should be transferred to the Sacramento County Superior Court. Prob.C. § 7501.

Missing original will, Prob.C. § 8200(a).

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (7)-(8) (issue of predeceased children(ren)).

Clarification is needed as to conflicting allegations of ¶¶ 6 and 8. ¶ 8 identifies surviving siblings and nieces and nephews of decedent. By alleging ¶ 6f, petitioner alleges decedent was not survived by issue of parents (¶ 6b) or issue of grandparents (¶ 6d). Siblings and nieces and nephews are issue of parents and issue of grandparents.

Clarification is needed as to conflicting allegations in ¶ 3g: ¶ 3g(1)(a) relates to appointment of an executor; ¶ 3g(a) & (c) relates to appointment of an administrator. Petitioner appears to seek appointment of an executor and to probate the will.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.